

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application by South Seas Utility Company For Amendment of Certificate No. 268-S in Lee County, Florida. ) DOCKET NO. 930673-SU ) ORDER NO. PSC-93-1487-FOF-SU ) ISSUED: October 12, 1993 ) ) ) ) )

ORDER AMENDING CERTIFICATE TO INCLUDE  
ADDITIONAL TERRITORY AND CLOSING DOCKET

BY THE COMMISSION:

On July 9, 1993, South Seas Utility Company (South Seas or Utility) filed an application with this Commission to amend Certificate No. 268-S to include additional territory in Lee County, Florida. South Seas proposes to serve an existing marina which utilizes a septic tank for wastewater disposal. The area will be served by the Utility's existing facilities. Service will be provided by extending existing wastewater collection lines.

The application is in compliance with Section 367.045, Florida Statutes, and other pertinent statutes and provisions of the Florida Administrative Code. In particular, the application contains a filing fee in the amount of \$150, as prescribed by Rule 25-30.020, Florida Administrative Code. In addition, South Seas provided evidence, in the form of a warranty deed, that it owns the land upon which its facilities are located, as required by Rule 25-30.036, Florida Administrative Code.

Adequate service territory and system maps and a territory description have been provided, as prescribed by Rule 25-30.036, Florida Administrative Code. The additional territory which South Seas is requesting to serve in Lee County is described in Attachment A of this Order.

South Seas has provided proof of compliance with the noticing requirements of Rule 25-30.030, Florida Administrative Code. No objections to the notice of application have been received and the time for filing such has expired.

Currently, South Seas is providing quality service to its customers in Lee County. Also, from information provided with the application, it appears that the Utility has financial resources to adequately serve the additional territory. In addition, according to the Department of Environmental Protection, there are no outstanding violations against South Seas.

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Therefore, we find that it is in the public interest to amend Certificate No. 268-S to include the territory described in Attachment A of this Order, which by reference is incorporated herein. South Seas has returned the Certificate to this Commission for entry reflecting the additional territory. The Utility has also filed revised tariff sheets reflecting the amendment.

South Seas' existing rates and charges became effective on November 8, 1991, pursuant to an Index/Pass-through rate increase. The Utility shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission in a subsequent proceeding.

It is, therefore,

ORDERED by the Florida Public Service Commission that Certificate No. 268-S, held by South Seas Utility Company, 12800 University Drive, Suite 350, Ft. Myers, Florida 33907, is hereby amended to include the territory described in Attachment A of this Order, which by reference is incorporated herein. It is further

ORDERED that South Seas Utility Company shall charge the customers in the territory added herein the rates and charges approved in its tariff until authorized to change by this Commission. It is further

ORDERED that Docket No. 930673-SU is hereby closed.

By ORDER of the Florida Public Service Commission this 12th day of October, 1993.



STEVE TRIBBLE, Director  
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

ATTACHMENT A

SOUTH SEAS UTILITY COMPANY

Wastewater Territory

A tract or parcel of land lying in Section 26, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

SECTION 26, TOWNSHIP 45 SOUTH, RANGE 21 EAST: Commencing at the intersection of the Mean High Water Line of the Gulf of Mexico with the South line of Section 26, Township 45 South, Range 21 East; thence run East along said Section line for a distance of 1150.00 feet more or less to the Easterly right-of-way line of Captiva Drive run North for 40.00 feet to the Point of Beginning. From said Point of Beginning continue North for 225.00 feet; thence run North  $89^{\circ}58'30''$  East departing said Easterly right-of-way line for 50.00 feet; thence run North 50.00 feet to an intersection with the Southerly right-of-way line of Andy Rossi Lane; thence run North  $89^{\circ}58'30''$  East along said Southerly right-of-way line for 345.00 feet; more or less to an intersection with the Mean High Water line of Pine Island Sound; thence meandering Southwesterly along said Mean High Water Line for 290.00 feet, more or less to an intersection with the line that bears North  $89^{\circ}58'30''$  East from said Point of Beginning; thence run South  $89^{\circ}58'30''$  West along said line for 315.00 feet, more or less to the Point of Beginning.

Bearings hereinabove mentioned are based on the East right-of-way line of Captiva Drive to bear North.